

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ISMAEL MOREIRA,

Plaintiff,

-against-

EXPERIAN INFORMATION SOLUTIONS,  
INC.,

Defendant.

23-CV-03442 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

As stated by the Court at this morning’s hearing, the parties are permitted, but not required, to submit supplemental letters not to exceed three (3) pages, by no later than 5:00 p.m. tomorrow, August 30, 2023. Defendant’s letter, if it chooses to submit one, should address the Second Circuit’s decision in *Gingras v. Think Finance, Inc.*, 922 F.3d 112 (2d Cir. 2019), and its impact on this Court’s ability to consider the unconscionability of the underlying arbitration agreement. Defendant’s letter should also identify any cases where a court found that a claim “related to” a contract because of (1) the manner in which the plaintiff discovered the claim’s existence or (2) the complaint’s reliance on documents obtained under the contract. Plaintiff’s letter, if it chooses to submit one, may also address those topics. In addition, plaintiff’s letter should identify any cases where a court found that an arbitration agreement was unconscionable despite the agreement’s limitation to claims arising out of or relating to the container contract.

In addition, plaintiff is ORDERED to consider making a good-faith settlement demand to plaintiff by Wednesday, August 30, 2023, at 11:00 AM. If such a demand is made, defendant is ORDERED to consider responding to that demand with a good-faith settlement offer by Wednesday, August 30, 2023, at 5:00 PM, and the parties are ORDERED to meet and confer concerning settlement on Thursday, August 31, 2023, at 1:00 PM. Whether or not a demand is

made, the parties are ORDERED to update the Court on any settlement discussions (without disclosing the amounts of any demand or offer) by Thursday, August 31, 2023, at 3:00 PM.

SO ORDERED.

Dated: August 29, 2023  
New York, New York

A handwritten signature in black ink, appearing to read 'Arun Subramanian', is written over a horizontal line.

ARUN SUBRAMANIAN  
United States District Judge